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REMARKS

Claims 17-22 and 29-33 have been withdrawn from the application. Claims 23-28 and new claims 34-53 are now presented for examination.

We believe that the new claims are supported by the specification as originally filed. See the general description of the set up of a call and the automatic selection of an advertisement to be played, in connection with paragraphs [0038-0040] and [0050].

We wish to bring Examiner's attention to several additional facts concerning activities which occurred more than one year before the filing date of the present application and other prior art which has just become known to the Applicant.

As explained in the Declaration of Scott Wolmuth filed herewith, the Applicant made a posting on Elance.com requesting help to prepare a business plan. That posting was made in May 2001, more than one year before the filing date of the present application. However, that posting did not mention that advertisement selection was based on an express user interest or automatically.

Furthermore, neither did the Elance.com posting describe in detail how the invention could be implemented, such as by associating codes with advertisement categories to enable automatic database lookup to be performed. Therefore, this posting would not be considered to be an enabling disclosure as required under 35 U.S.C. 102.

The Applicant also wishes to make additional observations on the prior art as follows. As was stated in the prior Amendment A filed August 4, 2005, both U.S. Patent No. 5,557,658 issued to Gregorek and U.S. Patent No. 4,850,007 issued to Marino do not base their selection of an advertisement on an express user interest. For example, Gregorek only suggests using the caller's telephone number time of day or date.

An additional prior art reference, U.S. Patent No. 4,943,995 issued to Daudelin has become known by the Applicant since the last response was submitted. Daudelin does describe a system in which user interest is expressed in the context of a call. However, the call is routed to a human attendant who then selects a prerecorded message for playback. Daudelin thus requires the intervention of an operator and thus does not describe or suggest automatically selecting an advertisement to be played.

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Neither Daudelin, nor Marino, nor Gregorek suggest or disclose the use of standard industry codes in connection with automatic look-up and/or selection of an advertisement.

Claim 23, as amended, requires the system to automatically select the advertisement to be played back to the caller.

Claims 24-33 depend from claim 23 and are patentable for the same reasons.

New claim 34 recites:

A method comprising
... examining a request for information ... [and]
automatically selecting an advertisement categorized within the associated subject matter area.

Neither Daudelin, Marino or Gregorek provide for such automatic selection of an advertisement.

New claims 35-40 furthermore require that a database be queried to determine the selected advertisement. None of the prior art suggested this feature.

New claim 41 is even more specific in requiring that a Standard Industry Classification Code (SIC) be associated with the database query.

New claim 45 requires access to a service associated with the automatically selected advertisement.

New claims 48 and 50 require a database parameter to be a subject matter area determined from the request.

New claim 49 requires that an intercept parameter be provided by the database lookup, wherein that parameter determines whether the user will be prompted to request access to a service associated with the advertisement.

New claims 51-53 further require connecting the customer station to a telephone number associated with the original request, after playing the advertisement.

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Information Disclosure Statement

An Information Disclosure Statement (IDS) is being filed concurrently herewith. Entry of the IDS is respectfully requested.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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